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5 Attorneys for Defendants
6 ALLSTATE INSURANCE COMPANY,
7 ALLSTATE INDEMNITY COMPANY
AND ALLSTATE PROPERTY AND
CASUALTY COMPANY

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 JANET MACLAUGHLIN,

12 Plaintiffs,

13 vs.

14 ALLSTATE INSURANCE COMPANY,
15 ALLSTATE INDEMNITY COMPANY
and ALLSTATE PROPERTY AND
CASUALTY COMPANY,

16 Defendants.

17
18 No. C 04 5520 SI

19 FURTHER JOINT CASE
20 MANAGEMENT STATEMENT AND
21 PROPOSED AMENDED PRETRIAL
22 PREPARATION ORDER

23 Date: January 6, 2006
24 Time: 2:30 p.m.
Courtroom: 10
Judge: Honorable Susan Illston

25 Defendants, Allstate Insurance Company, Allstate Indemnity Company and Allstate
26 Property and Casualty Company (hereafter collectively "Allstate") and plaintiff, Janet
27 MacLaughlin, jointly submit the following Further Case Management Statement and Proposed
28 Amended Pretrial Preparation Order and request its adoption in this case.

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30 **DESCRIPTION OF THE CASE**

31 This is an insurance action in which plaintiff, Janet MacLaughlin, seeks damages for
32 alleged negligence and "tortious breach of contract" against Allstate. The basic facts giving rise
33 to this action are as follows: Allstate insured MacLaughlin under homeowner's, umbrella and
34 automobile policies sold by the Sherie Friedlander Insurance Agency. On or about April 5,

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1 2001, a fire damaged portions of MacLaughlin's hillside house, as well personal property located
 2 therein and a wooden trestle bridge driveway. Allstate has paid MacLaughlin all the sums it
 3 contends it is obligated to pay under its policies for MacLaughlin's fire losses, including damage
 4 to her house, her personal property, her automobiles and "other structures." MacLaughlin
 5 contends Allstate owes her additional sums either by contract or because of alleged negligence
 6 in "underinsuring" her property.

7 The disputed factual and legal issues have not been fully identified. At present, it
 8 appears the parties dispute the fact of and substance of alleged communications between them
 9 and plaintiff's insurance agent, as well as plaintiff's reliance on those communications. The
 10 extent and value of plaintiff's losses and damages are also disputed. It appears the parties also
 11 dispute whether Allstate is legally obligated to pay additional sums to MacLaughlin under the
 12 terms of the policies and/or Allstate's alleged negligence.

13 **ADR/RECENT DEVELOPMENTS**

14 The parties have participated in an Early Neutral Evaluation/Mediation session
 15 with Richard Collier. As the parties recently advised the Court by way of letter, they agree some
 16 discovery will facilitate further mediation of the case and have scheduled a follow-up session
 17 with Mr. Collier for February 22, 2006. The parties therefore requested that the Pretrial
 18 Preparation Order be amended and the Court indicated it would do so. Accordingly, a proposed
 19 Amended Pretrial Preparation Order is attached hereto and the parties request its entry by the
 20 Court.

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1 Dated: December 20, 2005

SONNENSCHEIN NATH & ROSENTHAL LLP

4 By _____/s/ _____

5 JOHN LELAND WILLIAMS

6 Attorneys for Defendants
7 ALLSTATE INSURANCE COMPANY,
8 ALLSTATE INDEMNITY COMPANY AND
ALLSTATE PROPERTY AND CASUALTY
COMPANY

9
10 LAW OFFICES OF KENNETH A. COREN

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12
13 By _____/s/ _____

14 KENNETH A. COREN

15 Attorneys for Plaintiff
16 JANET MacLAUGHLIN

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[Proposed] AMENDED PRETRIAL PREPARATION ORDER

It is hereby **ORDERED** pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court:

Discovery shall proceed pursuant to Federal Rules of Civil Procedure and Local Rules subject to the following:

Non-expert Discovery Cutoff: (written) May 1, 2006; (depositions) June 19, 2006.

Expert Discovery Cutoff: August 4, 2006.

Dispositive Motions shall be filed by August 11, 2006.

Oppositions Due: August 25, 2006

Reply Due: September 1, 2006

Hearing Date: No later than September 15, 2006 at 9:00 a.m.

Pre-Trial Conference: October 17, 2006 at 3:30 p.m.

Jury trial date: October 30, 2006 at 8:30 a.m., Courtroom 4.

Trial length is estimated to be five days.

The pre-trial conference shall be attended by trial counsel prepared to discuss all aspects of the case, including settlement.

Dated: December ___, 2005

A circular stamp of the United States District Court, Northern District of California. The outer ring contains the text "UNITED STATES DISTRICT COURT" at the top and "NORTHERN DISTRICT OF CALIFORNIA" at the bottom. In the center is a red rectangular box with the word "GRANTED" in capital letters. Below the box is a handwritten signature in blue ink that reads "Susan Illston" over "Judge Susan Illston".